

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 30, 2006 (the "Office Action"). At the time of the Office Action, Claims 1-21 were pending in the application. The Office Action rejects Claims 1-21. Applicants amend Claims 1, 5-6, 8, 12-13, 15, 19 and 21 and cancel Claims 4, 11 and 18. Applicants respectfully request reconsideration and favorable action in this case.

Section 101 Rejections

Claims 15-20 are rejected under 35 U.S.C. §101 because the Office Action contends that the claimed invention is directed to non-statutory matter. Applicants have amended independent Claim 15 to recite logic embodied as a computer program stored on a computer readable medium. Applicants respectfully request withdrawal of these rejections.

Double Patenting Rejection

Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-21 of co-pending application 10/807,560 and Claims 1-21 of co-pending application 10/807,572. As these are provisional double patenting rejections, Applicants defer the decision to file a terminal disclaimer or traverse the rejections until the Examiner has indicated that the present application and co-pending applications 10/807,560 and 10/807,572 include allowable subject matter.

Section 102 Rejections

The Examiner rejects Claims 1-21 under 35 U.S.C. 102(b) as being anticipated by WO 2003/001340 to Mosttov ("Mosttov"). Applicants respectfully traverse these rejections.

Amended Claim 1 recites wherein a selected one of the applications has a first application state and a second application state and wherein the command map associated with the selected application comprises a first mapping for the first application state and a second mapping for the second application state, the first mapping and the second mapping each mapping selected ones of the gestures to selected ones of the predefined commands of

the selected application. Claims 8, 15 and 21 recite similar elements. Similar elements previously appeared in original Claim 4. The Office Action suggests that *Mosttov* teaches these elements and cites to page 8, lines 4-23 of *Mosttov*. *See* Office Action, page 9. This cited portion of *Mosttov* discloses, for example, that different applications may be assigned different actions or meanings to tokens representing specific gestures. *See* *Mosttov*, page 8, lines 4-11. However, neither this nor any other portion of *Mosttov* discloses different gesture mappings for different states (e.g., a first state and a second state) of the same application. Therefore, for at least these reasons, Applications respectfully submit that Claims 1, 8, 15 and 21 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 2-3 and 5-7 each depends from Claim 1, Claims 9-10 and 12-14 each depends from Claim 8 and Claims 16-17 and 19-20 each depends from Claim 15. Thus, for at least the reasons discussed above with respect to Claims 1, 8 and 15, Applicants respectfully request that the rejections of Claims 2-3, 5-7, 9-10, 12-14, 16-17 and 19-20 be withdrawn.

In addition, Claim 5 recites wherein the first application state is associated with a first image type and the second application state is associated with a second image type, and Claim 6 recites wherein the first application state comprises viewing of a portion of an image of application data and the second application state comprises viewing a hierarchical menu for performing operations with respect to the application data. Claims 12 and 19 recite similar elements to those in Claim 5, and Claim 13 recites similar elements to those in Claim 6. The Office suggests that *Mosttov* teaches these elements and cites to page 8, lines 4-23 of *Mosttov*. *See* Office Action, page 9. However, neither this nor any other portion of *Mosttov* discloses different gesture mappings for different states of the same application where the states are associated with image types or where the states comprise a portion of an image of application data and a hierarchical menu for performing operations with respect to the application data. Therefore, for at least these additional reasons, Applications respectfully submit that Claims 5-6, 12-13 and 19 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad C. Walters, Attorney for Applicants, at the Examiner's convenience at (214) 953-6511.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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